

**REMARKS**

Claims 17 - 29 are presently pending. In the above-identified Office Action, the Examiner rejected Claims 17, 19 and 21 - 29 under 35 U.S.C. § 103(a) as being unpatentable over Izadpanah *et al.* (U.S. Patent No. 6,560,213), hereinafter 'Izadpanah' in view of Black (U.S. Patent No. 6,456,823). Claims 18 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Izadpanah in view of Black and further in view of Marko *et al.* (U. S. Patent No. 6,154,452), hereinafter 'Marko'.

For the reasons set forth more fully below, the present Application is submitted as properly presenting Claims patentable over the prior art. Reconsideration, allowance and passage to issue are respectfully requested.

As previously noted, the present invention addresses the need in the art for a system and method for distributing satellite digital audio radio service to a plurality of receivers that are not independently mobile relative to each other. The inventive system includes a satellite antenna and a radio frequency (RF) satellite receiver. In the best mode, the RF satellite receiver is a terrestrial repeater. The repeater decodes a stream of data received from the satellite and recodes the stream using an intermediate frequency satellite radio terrestrial broadcast format. In the best mode, the signal is an intermediate frequency signal in the XM radio, multi-carrier modulation (MCM) format.

The recoded signal is rebroadcast by the repeater via a distribution network and received by a plurality of intermediate frequency (IF) receivers. The distribution system may be wireless, cable, or fiber optic. In the illustrative embodiment, the IF receivers are modified conventional satellite digital audio radio service receivers. A user interface is provided for each IF receiver to allow for channel selection and audio processing.

The invention is set forth in Claims of varying scope of which Claim 29 is illustrative. Claim 29 recites:

29. A satellite digital audio radio multipoint distribution system comprising:  
a satellite antenna for receiving a satellite digital audio radio signal;  
a terrestrial repeater connected to said antenna for decoding said satellite signal and recoding said signal into an intermediate frequency (IF) satellite radio terrestrial broadcast format signal; and  
**a system for distributing said recoded IF signal.** (Emphasis added.)

None of the references, including those cited but not applied, taken alone or in combination, teaches, discloses or suggests the invention as presently claimed. That is, none of the references teaches, discloses or suggests a satellite digital audio radio multipoint distribution system having a terrestrial repeater adapted to receive and recode satellite signals into IF signals and a system for distributing the recoded IF signals.

In the above-identified Office Action, the Examiner heavily relied, once again, on Izadpanah. Izadpanah purports to teach a wideband wireless access local loop based on millimeter wave technology. The Examiner suggested *inter alia* that in Fig. 1 and column 3, lines 25 – column 4, line 34 Izadpanah discloses a satellite digital audio radio multipoint distribution system. However, this assertion is in error. Izadpanah is an LMDS (Local Multipoint Distribution System), not an SDARS (Satellite Digital Audio Radio) system. To the extent a satellite system is disclosed by Izadpanah, it is a direct broadcast satellite system, not an SDARS system as presently claimed. This shortcoming is not overcome by the teachings of Black. Clearly, neither reference teaches, discloses or suggests a system for receiving SDARS signals. Applicants therefor object to the Examiner's steadfast refusal to accord patentable significance to the stated limitations of the claims.

The Examiner correctly acknowledges that Izadpanah does not disclose a system or method for **recoding and distributing** the **IF** signal as presently claimed. The Examiner suggests that this shortcoming is overcome by the teachings of Black. However, Black suffers from the same shortcomings as Izadpanah. That is, Black is an LMDS system in which distribution is effected at an LMDS frequency, not at IF. See column 3, lines 13 through 16 which recite:

**"A node 22, is coupled to base unit 20 and translates the intermediate frequency signal to the assigned LMDS system frequency to give an LMDS signal 24. Node 22 then transmits the LMDS signal 24 to customer's premises." (Emphasis added.)**

In col. 2, lines 55 – 57, the LMDS frequency is defined as being in the range of 10 – 40 GHz. See also, col. 3, lines 53 – 55. Clearly, Black does not teach or suggest a system for distributing an IF signal as presently claimed. Hence, assuming one would be motivated to combine the teachings of Izadpanah with Black, the combination would still fall far short of teaching the invention as presently claimed.

Accordingly, reconsideration, allowance and passage to issue are therefore respectfully requested.

Respectfully submitted,  
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